

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

JOHN E. GILLYARD,
ADC #108071

PLAINTIFF

v.

5:07CV00278 SWW

K. LUCKETT, et al.

DEFENDANTS

ORDER

The Court has received proposed findings and recommendations from United States Magistrate Judge H. David Young.. There have been no objections. After a review of those proposed findings and recommendations, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's complaint against defendants is DISMISSED without prejudice to plaintiff's right to reassert his claim should his disciplinary be invalidated by a state tribunal or federal court, and that such dismissal constitutes a "strike" within the meaning of 28 U.S.C. § 1915(g).

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 2nd day of January 2008.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE